

OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA  
U. S. COURTHOUSE  
228 WALNUT STREET  
P.O. BOX 983  
HARRISBURG, PA 17108

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CIVIL NO. 1:CV-01-336-01  
v. :  
TYRONE SMITH a/k/a "Manny" :  
.

**ORDER**

Before the court is court appointed counsel's Petition to Withdraw. Counsel was appointed to represent Defendant at a resentencing hearing which resulted in a reduction of Defendant's sentence by 120 months. On August 2, 2005, counsel received a copy of a letter addressed to the court that claimed ineffective assistance of counsel. As a result of the contents of that letter, counsel believes his ability to represent Defendant has been compromised.

Upon consideration thereof, **IT IS HEREBY ORDERED THAT:**

- 1) The motion is **GRANTED** and attorney Dennis E. Boyle is withdrawn as counsel for Defendant.
- 2) The Clerk of Court shall immediately file a notice of appeal on behalf of Defendant Tyrone Smith.
- 3) Defendant shall submit to the Third Circuit Court of appeals a request for court appointed counsel.

4) The Clerk of Court shall provide to Defendant a financial affidavit form along with the address of the Third Circuit Court of Appeals to which he shall direct his request.

s/Sylvia H. Rambo  
SYLVIA H. RAMBO  
United States District Judge

Dated: August 2, 2005.

**FINANCIAL AFFIDAVIT**  
IN SUPPORT OF REQUEST FOR ATTORNEY EXPENSES OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEES

Rev. 5/98

IN UNITED STATES  MAGISTRATE  DISTRICT  APPEALS COURT  OTHER PANEL (Specify below)

IN THE CASE OF \_\_\_\_\_

V.S. \_\_\_\_\_

FOR \_\_\_\_\_

AT \_\_\_\_\_

LOCATION NUMBER \_\_\_\_\_

PERSON REPRESENTED (Show your full name) \_\_\_\_\_

CHARGE/OFFENSE (describe if applicable & check box →)  Felony  Misdemeanor

DOCKET NUMBERS

Magistrate

District Court

Court of Appeals

1  Defendant—Adult  
2  Defendant - Juvenile  
3  Appellant  
4  Probation Violator  
5  Parole Violator  
6  Habeas Petitioner  
7  2255 Petitioner  
8  Material Witness  
9  Other

**EMPLOYMENT**

Are you now employed?  Yes  No  Am Self-Employed

Name and address of employer: \_\_\_\_\_

IF YES, how much do you earn per month? \$ \_\_\_\_\_

IF NO, give month and year of last employment  
How much did you earn per month? \$ \_\_\_\_\_

If married is your Spouse employed?  Yes  No

IF YES, how much does your Spouse earn per month? \$ \_\_\_\_\_

If a minor under age 21, what is your Parents or Guardian's approximate monthly income? \$ \_\_\_\_\_

**ASSETS**

**OTHER INCOME**

Have you received within the past 12 months any income from a business, prose: \_\_\_\_\_  
the form of rent payments, interest, dividends, retirement or annuity payments, c \_\_\_\_\_  
RECEIVED

IF YES, GIVE THE AMOUNT RECEIVED & IDENTIFY THE SOURCES \$ \_\_\_\_\_

**CASH**

Have you any cash on hand or money in savings or checking accounts?  Yes

**PROPERTY**

Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (clothing)?  Yes  No

IF YES, GIVE THE VALUE AND \$ DESCRIBE IT \_\_\_\_\_  
VALUE \_\_\_\_\_

**OBLIGATIONS & DEBTS**

**DEPENDENTS**

MARITAL STATUS  
SINGLE  
MARRIED  
WIDOWED  
SEPARATED OR  
DIVORCED

Total No. of Dependents \_\_\_\_\_

List persons you actually support and your relationship to them

**DEBTS & MONTHLY BILLS**

(LIST ALL CREDITORS, INCLUDING BANKS, LOAN COMPANIES, CHARGE ACCOUNTS, ETC.)

APARTMENT OR HOME: \_\_\_\_\_

Creditors \_\_\_\_\_

Total Debt \_\_\_\_\_

Monthly Paymt. \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

3rd Circuit  
Court of Appeals  
601 Market St  
Philadelphia, PA  
19106

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date) \_\_\_\_\_

SIGNATURE OF DEFENDANT

(OR PERSON REPRESENTED) \_\_\_\_\_

NOTICE OF APPEAL  
TO  
U.S. COURT OF APPEALS, THIRD CIRCUIT

U.S. DISTRICT COURT: MIDDLE DISTRICT OF PENNSYLVANIA, HARRISBURG, PA.

U.S. TAX COURT [ ]

CIRCUIT COURT  
DOCKET NO.

\_\_\_\_\_  
(Leave Blank)

FULL CAPTION IN DISTRICT COURT AS FOLLOWS:

TYRONE J. SMITH

DISTRICT or  
TAX COURT  
DOCKET NO. 1:01-CR-0336-01

DISTRICT or  
TAX COURT  
JUDGE Sylvia II. Rambo

Notice is hereby given that Tyrone Smith

appeals to the United States Court of Appeals for the Third Circuit from [X] Judgment

entered in this action on: July 28, 2005

DATED: August 2, 2005

Tyrone J. Smith, Pro-Se  
10924-067  
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William Behe, AUSA  
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717-221-4484  
(Counsel for Appellee)

(Tel. No. - U.S. Gov't. FTS or Other)

(Tel. No. - U.S. Gov't. FTS or Other)

NOTE: USE ADDITIONAL SHEETS if all appellants and/or all counsel for  
appellees cannot be listed on the notice of appeal sheet.